

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

US FOODS, INC., a Delaware corporation,)
)
Plaintiff,)
)
v.) Case No. 1:23-cv-04790
)
BOSTON MARKET CORPORATION, a) Hon. Manish S. Shah
Delaware corporation, ENGAGE BRANDS,)
LLC, a Delaware limited liability corporation,)
and JIGNESH N. PANDYA, IV, an)
individual,)
)
Defendants.)

**STATUS REPORT REGARDING DEFENDANTS’
COMPLIANCE WITH CITATIONS TO DISCOVER ASSETS**

US Foods, Inc. (“US Foods”), by and through its undersigned counsel, hereby submits this status report regarding the compliance of judgment debtors Boston Market Corporation (“Boston Market”) and Engage Brands, LLC (“Engage Brands,” together with Boston Market the “Judgment Debtors”) with their obligations under the pending citations to discover assets (the “Citations”) served on them by US Foods.

Procedural Background

1. On February 2, 2024, this Court entered judgment in favor of US Foods and against Boston Market on Counts I, III, and V of the Complaint (ECF No. 1) in the total amount of \$14,955,175.10 and against Engage Brands on Count IV of the Complaint in the amount of \$12,049,703.00 (jointly and severally with Boston Market), plus post-judgment interest, attorneys, fees, and costs. *See* ECF No. 47.

2. US Foods served the Citations on the Judgment Debtors, which required the Judgment Debtors to produce documents responsive to the Citations to US Foods on or before March 29, 2024. *See ECF No. 63, Exs. 1-2.*

3. When the Judgment Debtors failed to timely respond to the Citations, the Court entered an order for rule to show cause on April 11, 2024 (ECF No. 69) and an order finding the Judgment Debtors in contempt for failing to comply with the Citations on May 14, 2024 (ECF No. 71).

Status Report

4. On May 14, 2024, counsel for US Foods e-mailed a copy of the May 14, 2024 contempt order to the e-mail addresses it had available for Mr. Pandya. US Foods did not receive any response to that e-mail.

5. On June 13, 2024, counsel for US Foods again e-mailed Mr. Pandya, attaching copies of the contempt order and the Citations, and encouraging Mr. Pandya to reach out to US Foods' counsel to discuss the Judgment Debtors' compliance with its obligations under the Citations.

6. Mr. Pandya responded to that e-mail and, eventually, counsel for US Foods and Mr. Pandya were able to connect via telephone on June 18, 2024. During that conversation, counsel for US Foods again requested that Mr. Pandya provide the documents and information requested in the Citations. Mr. Pandya asked that the Citations again be e-mailed to him and stated that he would attempt to pull the requested information, but stated that Boston Market purportedly no longer has any staff or access to its email server due to non-payment.

7. On June 21, 2024, counsel for US Foods again e-mailed copies of the Citations to Mr. Pandya which include document riders identifying the list of information sought by US Foods

and, further, explaining that US Foods generally seeks documents which reflect Boston Market's assets such as current account statements.

8. On June 26, 2024, counsel for US Foods followed up again with Mr. Pandya by e-mail to inquire as to the status of the document production. As of the date of this status report, Mr. Pandya has not responded to the June 26th e-mail and neither the Judgment Debtors nor Mr. Pandya have produced any documents in response to the Citations.

Dated: July 1, 2024

US FOODS, INC.

By: /s/ Elizabeth L. Janczak
One of Its Attorneys

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